

SENATE BILL REPORT

SB 6056

As Reported by Senate Committee On:
State Government, Tribal Relations & Elections, January 19, 2018

Title: An act relating to access of broadcasters to a geographic area subject to the declaration of a national, state, or local emergency.

Brief Description: Concerning access of broadcasters to a geographic area subject to the declaration of a national, state, or local emergency.

Sponsors: Senators Hunt and Kuderer.

Brief History:

Committee Activity: State Government, Tribal Relations & Elections: 1/12/18, 1/19/18 [DPS].

Brief Summary of First Substitute Bill

- Provides liability protections for a federal, state, or local agency that facilitates access of a first informer broadcaster to an emergency or disaster area.
- Defines broadcaster and first informer broadcaster.

SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL RELATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 6056 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Miloscia, Ranking Member; Saldaña and Zeiger.

Staff: Melissa Van Gorkom (786-7491)

Background: Emergency Management. The Washington Military Department Emergency Management Division (EMD) under the direction of the adjutant general administers the state's comprehensive program of emergency management. In addition, each political subdivision of the state must establish or jointly create a local organization for carrying out emergency management functions in accordance with the State Comprehensive Emergency

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Management Plan. In the event of a disaster beyond local control, the Governor, through the adjutant general, may assume operational control over all or any part of emergency management functions in the state.

An emergency or disaster, as described in statute, is an event or set of circumstances which: demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken community overtaken by such occurrences; or reaches such a dimension or degree of destructiveness as to warrant the Governor declaring a state of emergency.

State of Emergency. A state of emergency is proclaimed by the chief elected official after finding that an emergency or disaster has occurred within their jurisdiction. When an emergency or disaster conditions exceed the local resources and capabilities, the local jurisdiction may request the support of the state through the EMD.

The Governor may declare a state of emergency through the issuance of a proclamation which is effective upon the Governor's signature and remains in effect until the the Governor issues a proclamation declaring its termination.

Summary of Bill (First Substitute): First Informer Broadcaster. A first informer broadcaster is any certified individual who: is employed by, or acting pursuant to a contract under direction of, a broadcaster; and maintains, including repairing or resupplying, transmitters, generators, or other essential equipment at a broadcast station or facility, or provides technical support services to broadcasters needed during a period of proclaimed emergency.

Broadcaster means a person or entity that holds a radio or television services license issued by the Federal Communications Commission.

Emergency Management. Liability protections are provided for a federal, state, or local agency that facilitates access of a first informer broadcaster to an emergency or disaster area.

EFFECT OF CHANGES MADE BY STATE GOVERNMENT, TRIBAL RELATIONS & ELECTIONS COMMITTEE (First Substitute):

- Removes the program for issuing credentials for first informer broadcasters.
- Removes requirement for a state or local governmental agency to allow certified first informer broadcasters to access an area affected by an emergency, with certain restrictions, for the purposes of restoring, repairing, resupplying, or maintaining any facility or equipment necessary to acquire, produce, and transmit to the public essential emergency information, related alerts, and programming.
- Removes language that prohibits emergency services agencies from seizing a vehicle, fuel, food, water, or other essential materials brought by a first informer broadcaster.
- Adds liability protections for a federal, state, or local agency that facilitates access of a first informer broadcaster to an emergency or disaster area.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: Local and state broadcasters are the primary and essential link to reporting emergency information to the public. This bill removes the barriers providing broadcast technicians emergency training and access to their equipment in the case of an emergency. The time of the disaster is not the time to determine who is credentialed. Credentialing should be done now so that broadcasters have it during an emergency. All of this access still remains subject to the incident commander (IC) which is critical.

One unintended issue in the bill regards providing access to the materials needed. The access to materials for broadcasters should be restricted to only what they bring with them. There should also be liability protections in the bill so that a first informer broadcaster should enter an incident at their own risk.

OTHER: Having credentials or training, regardless of type, do not provide an advantage for an individual entering an incident area. The foundational considerations for an IC include the need, safety, and balance of the risk assessment against operation requirements or that need. The agency is currently developing a web-based program that will provide this not only for broadcasters, but others. This currently funded program will serve the same end goal to expedite access to impacted areas to enhance and strengthen the response.

Persons Testifying: PRO: Senator Sam Hunt, Prime Sponsor; Mark Allen, Washington State Association of Broadcasters (WSAB); Keith Shipman, WSAB; Marty Hadfield, Broadcast Engineer; James McMahan, Washington Association of Sheriffs & Police Chiefs.

OTHER: Jason Marquiss, Deputy Director, Washington Military Department, Emergency Management Division.

Persons Signed In To Testify But Not Testifying: No one.